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Via PACER/ECF

The Honorable Rukhsanah L. Singh
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Courtroom 7W
Trenton, NJ 08608

Re: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*, No. 3:16-md-2738-MAS-RLS

Dear Judge Singh:

I write on behalf of Defendants Johnson & Johnson and LLT Management LLC (together, "Johnson & Johnson"). On July 25, 2024, Johnson & Johnson responded to the Court's Order asking the parties to show cause why it should not adopt the New Jersey State MCL Court's July 19 findings of fact and conclusions of law on Johnson & Johnson's Motion to Disqualify Andy Birchfield and Beasley Allen. See Dkt. 32984. Our response provided a detailed explanation of the ways Judge Porto's findings of fact are unsupported by the record and conclusions of law are contrary to New Jersey precedent and proper application of the New Jersey Rules of Professional Conduct. See Dkt. 33026. In the process, we explained how, if adopted, Judge Porto's opinion would eliminate the ability of clients in New Jersey to share confidential information with their attorneys without the fear that it will be surreptitiously passed along with impunity to litigation adversaries in the same matter. *Id.*

Birchfield and Beasley Allen filed a letter response to Johnson & Johnson's submission on July 29. Their response does not address any of Johnson & Johnson's arguments or give any reason why the Court should adopt Judge Porto's opinion, beyond referring generally to their prior briefing. See Dkt. 33033. It also fails to address the impact Judge Porto's ruling would have on the ability of New Jersey clients to protect confidential information shared with their attorneys. See *id.*

Given the lack of any substantive argument from Birchfield and Beasley Allen—indeed, the absence of any reason at all for the Court to adopt the State MCL Court's reasoning—we respectfully request that the Court grant Johnson & Johnson's motion to disqualify Birchfield and Beasley Allen from this litigation and to remove Beasley Allen from the Plaintiffs' Steering Committee. See Dkt. 28760.



Of course, we stand ready to provide any additional briefing and argument the Court may request.

Respectfully submitted,

/s/ Stephen D. Brody

Stephen D. Brody

cc: All Counsel (*via* ECF)